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STATE OF THE COUNTRY.

SPEECH

OF

HON. A. G. BROWN,

OF MISSISSIPPI,

In the Confederate Senate, December 24, 1863.

Mr. BROWN said:

Mr. President—The Senate need be under no apprehension that I am going to weary its patience or consume its valuable time in debating irrelevant matters. The time has come when we should think earnestly, speak briefly, and act promptly. I hope it is not vanity that prompts me at this hour to break my accustomed silence. If I did not think, at least, that I have views to express worthy of the attention of the Senate I would not ask its indulgence.

The two great demands which the States and the people make of their representatives to day are, to strengthen the army and improve the currency. If these things be done, and done speedily, victory will take the place of defeat, and our banners, now trailing in the dust on many fields, will everywhere float in triumph, and our armies, no longer receding to the centre, will, with the coming spring, begin to swell and expand towards the circumference, and before the summer is begun they will drive the invaders from our green fields back to the icy regions from which they come.

Shall the Confederacy stand or shall it fall? That is the question which to-day, more potentially than at any former period of our brief history, urges itself upon our attention, and in thunder tones demands our consideration. If it stands, the brightest hopes of enthusiastic patriots will be speedily realised. If it falls, all their glorious anticipations will fall with it. If it stands, it will be a perpetual memorial to the names and deeds of the heroic dead, who have died in its defence. If it falls, it will live in history only to tell that they and all of us were traitors, and deserved our doom.

To say, Mr. President, that no doubt had ever floated over my mind—that no cloud had ever floated athwart my mental vision—would be to speak uncandidly. The victorious arms of our enemies have not appaled me. Their triumphant march, almost to the centre of our Confederacy, has not chilled my hopes nor caused me to despair of ultimate success. But when I look abroad over the land, and see the thousands and tens of thousands who have given up their souls to mammon, and in their eager race for money, have forgotten their country, and left it to its fate; when I see everywhere able-bodied men, capable of bearing arms, notoriously shirking duty; when I see fathers and mothers, and other kin eagerly hunting places outside of the army lines for their sons and sons-in-law, their nephews and pets; when I see abuses everywhere—abuses under which the army is melting away, and the currency is becoming worthless, I confess, Mr. President, the gloomy shades of despondency settle about my heart. But when I mingle among the people, and witness their inflexible determination to demand and have reform in all these particulars; when I witness on every side so many evidences of devotion to the cause and heroic determination to stand by it to the last, and when to these I add the pleasing hope that Congress is about to do its duty, and its whole duty, without fear, favor or affection, despondency gives way to glorious anticipations, and I see the young Confederacy emerging from the goary field of battle, bearing aloft the triumphant banner of peace and independence, and about to take her place among the nationalities of the earth.

If I were asked, Mr. President, what the country most needs in this hour of peril, I would say patriotism; an all pervading and universal patriotism; not the babbling, noisy patriotism, that prates of what it is about to do or has done, but the earnest, heartfelt, quiet, but bounding, patriotism that does all things and dares all things, and wholly oblivious as to self, lives only for the cause. Such patriotism will strengthen our army and improve our currency. It will fill up the ranks, convert paper into gold, put shoes on the feet of our soldiers and shirts on their backs. It will nerve the arms and quiet the hearts of husbands and fathers in the field, by feeding and clothing their loved ones at home. Then, Mr. President, let us all, high and low, rich and poor, from this day forth cultivate a more earnest and ardent patriotism.

But I must come to the consideration of the propositions embraced in the resolution; that they may be fresh in the recollection of Senators, I ask that they be read.

The Secretary read as follows:

Resolved, That in the present condition of the country, Congress ought, with the least practicable delay, to enact the following laws:

First.—To declare every white male person residing in the Confederate States, and capable of bearing arms, to be in the military service of the country.

Second.—To repeal all laws authorizing substitutes or granting exemptions.

Third.—To authorize the President to issue his proclamation requiring all male persons, claiming and receiving foreign protection, to make their election, within sixty days, to take up arms or quit the country.

Fourth.—To detail from those in the military service such only as are absolutely needed in civil pursuits, having reference, in making such details, to competency alone.

Fifth.—To make provision for feeding and clothing the destitute families of soldiers in the field.

Sixth.—To levy a direct tax of per cent. on all kinds of property, according to its value in Confederate notes, including the notes themselves.

Seventh.—To make Confederate notes a legal tender in payment of debts after the expiration of six months.

Eighth.—To prohibit the buying and selling of gold and silver coin, or the notes of banks in the United States, or United States treasury notes during the war, under heavy penalties; or, in lieu thereof, to prohibit "running the blockade," by individuals, under pain of forfeiture of the goods brought in, and imprisonment during the war.

Ninth.—Declare these laws war measures, and make those who violate them, amenable to the military courts alone.

Mr. BROWN, (resumed.) Doubtless, Mr. President, the thought has crossed the mind of many Senators that these propositions trench close upon, if they do not violate, the Constitution. If I am proposing to violate the Constitution, I do not deserve support, and if convinced of my error I shall not desire it. Do the propositions violate the Constitution? If they do they fall, of course. I shall attempt, therefore, to settle them on a firm constitutional basis before I proceed to consider their merits.

I hold this to be true, that when the States, composing this Confederacy, delegated to this central government the exclusive right and power to make war, they necessarily gave with it all the rights and powers incidentally necessary to make the war grant efficient and effective. It would be a mockery to clothe Congress and the Executive with the power to make war, and then so trammel them with constitutional chains and bands that they could not conduct the war to a successful termination. I am very certain the framers of the Constitution designed to do no such thing. They have not given us a government that bears within itself the seeds of its own dissolution. A government that must perish, while we hold in our hands the means of saving it. To say that the men who made the Constitution have forbidden us to use means that are necessary to its preservation is to charge these men with making a government and requiring it to commit suicide.

The country trembles in an almost even balance between triumph and destruction. If something be not done, and done quickly, the scales will turn—the country will fall, and the Constitution will fall with it. Is it at such a time and with such surroundings that I am to be called on to ponder well the phraseology of the Constitution, and remembering that I am a strict constructionist, give to those words such interpretation as I would stand by in times of peace. No, Mr. President, no; I would save the country first, and settle constitutional constructions afterwards. This brings me to inquire whether these measures that I have brought forward are necessary to save the country, and with it the Constitution and the liberties of the people.

My first and main position is that the army must be strengthened. To do this I propose—

First. "To declare every white male person residing in the Confederate States and capable of bearing arms to be in the military service of the country." I suppose it will not be charged that there is any violation of the Constitution in that. We have already declared,

by law, that all between the ages of eighteen and forty-five years are in the military service.

If we had the right to do that it will hardly be denied that we may go a step farther and include all others capable of bearing arms. The justice and equality of such a law commend it warmly to my favor. There may have been some violation of the spirit of the Constitution in calling out men between eighteen and thirty-five and afterwards between eighteen and forty-five and leaving all others at home. But if all are called, without reference to age, no one will have just reason to complain. As all are equally interested, so all are equally bound to lend a helping hand. The only question worth considering, is the expediency of the proposed measure. Is it necessary to strengthen our army? That it is, no one, I suppose, entertains a doubt. That it must be strengthened by the addition of every available man is one of those self-evident propositions that calls for no elucidation. The mournful tales that come to us from every battle field admonish us in terms stronger than words, that from the beginning our armies have been too weak. From our first great success at Manassas, down through a long list of magnificent victories, to the great and glorious triumph of our arms at Chickamauga, we have had the same sad story. Our arms were victorious, but when the conflict was ended our men sunk upon the battle field, too much exhausted to reap the fruits of their own success. We have won rich and teeming fields, but the harvests have been lost because the reapers were not there; shall we learn nothing by experience? Shall we go on as we have been doing, calling out a few men here and a few men there, dividing our strength, and getting whipped in detail, or else concentrating just enough to win a victory, but not enough to crush out and utterly destroy the foe? If this is to be our policy in the future, as it seems to me to have been in the past, then God save the country. For myself, I wish a different course. I am for calling out all our strength, collecting all our resources, massing and consolidating all our power and hurling ourselves against our enemies like a mighty avalanche. If this be done, I shall expect to see the invader driven back, and his polluting foot prints brushed from our soil. If it be not, I drop the curtain and refuse even a glimpse into the future.

I am asked, Mr. President, if I mean to put every body in the army, and leave no one at home to attend to home pursuits. No sir, no, emphatically no. I have contemplated no such folly as that. I know as well as you or any one, that the army and people must be fed and clothed, and that, as a consequence, large numbers of people must be left at home. But I will treat of this when I come to consider my *fourth* proposition. For the present, I must follow up my main idea that the army must be strengthened. This brings me to consider my proposition

Second. "To repeal all laws authorizing substitutes and granting exemptions."

These laws have been the fruitful source of untold mischief to the army. In practice, they have decimated the ranks, bestowed favors on thousands and tens of thousands of the least meritorious, and

sowed the seeds of discontent broad cast among the brave men who, at all seasons, and under all trials, have stood by their country. The mischief they have done is written on every patriotic heart; the good is no where recorded. Such laws are a standing reproach to our wisdom, justice, and patriotism, and we can only vindicate ourselves by promptly repealing them. I pause to return my thanks to the House of Representatives for having so effectually wiped out the substitute law. It has laid the axe to the root of the evil; how long shall we be in finishing the good work by expunging the last vestage of that most odious legislation from the statute-book?

The plausible pretexts under which these laws were passed, and by which it is now proposed to maintain them, is that the exempts and persons furnishing substitutes would be profitably employed in producing food, clothing, and other necessary supplies for the army, and for home consumption. Is this true? Have these classes of persons been altogether producers, or producers to any material extent. To my observation the exact contrary is true. They have reaped when they have not sown, consumed when they have not produced. Who is it that throngs the streets, crowds the hotels, packs theatres, and fills railroad cars, at all times, to a perfect jam. They are able-bodied men, capable of bearing arms; why are they not in the service? The answer is, they have escaped through holes and crevices in your careless legislation. To-day there is a full brigade of this gentry on the streets of Richmond, and a hundred thousand of them at least are at large in the Confederate States. Hotels and theatres are not workshops, and the streets of cities are not the places to plant corn. If these men are out of the army under exemption that they may be of more service elsewhere, in heavens name let them go to work, and cease to offend the war-worn and scar-covered soldier by exhibiting their fashionable clothes in contrast with his dirty rags.

Of those who have furnished substitutes it is said they have a contract with the Government, and that they cannot again be called into service without a breach of good faith. Let us examine this plea. What is a contract? Without going into technicalities, I may say that in all binding contracts there must be some consideration passing, otherwise it is what the law denominates *nudem pactum*. What was the consideration passing from the man who offered a substitute to the Government? Nothing; emphatically nothing. He owed service to his country, and his country, in a spirit of generosity, allowed him to discharge that service by a substitute. And now taking advantage of his country's liberality, he claims that what was meant as a matter of grace shall be regarded as a matter of contract, and he sets up the high pretention that though his substitute may have deserted, or been called on to perform duty for himself, still his Government is bound by the contract.

As between the Government and the man who offered a substitute there was no consideration passing. He may have paid fabulous amounts to his substitute. The more he paid the greater his shame. But his country had nothing to do with that. He owed service, and his country simply allowed him to discharge it by a substitute. Now

the exigencies are such, that the country is compelled to call on the substitute to render service for himself. All I claim is, that by no contract between the parties themselves can the country be deprived of the services of either. A owed service in 1862, and the Government allowed him to discharge it by his substitute B. In 1863, the Government calls on B to perform duty for himself. It is manifest B cannot perform duty for both A and himself. When B takes his own place in the ranks, A is left without a substitute, and it follows that he must respond for himself.

I hope the Senate has not forgotten with what earnestness I opposed the passage of these exemption and substitute laws. I opposed them with zeal, if not with ability. Experience has proven that I was right, and I now demand their repeal. Strike them from the statute-book and the effect will be not only magical but majestic. It will sweep the streets, empty the theatres, clear out the hotels, swell the ranks of the army, and carry joy to the hearts of our brave defenders in the field.

I have said these laws were fruitful sources of mischief. If the twenty thousand men in the army of Virginia who had furnished substitutes had been at Gettysburg, Philadelphia would have been ours in a week, and if the grand army of exempts and substitutes had been with Bragg at Chickamauga, Rosecrans and his Yankee thieves would, like the swine in which the devils took refuge, have run violently into the waters of the Tennessee and been drowned. I am clear for wiping out these laws.

But, Mr. President, I have yet another proposition to increase the army, it is my

Third. "To authorize the President to issue his proclamation requiring all male persons residing in the Confederate States, and claiming and receiving foreign protection, to make their election, within sixty days, to take up arms or quit the country."

A friend at my elbow says that's radical, I mean it to be so. The conduct of foreigners residing among us is objectionable in the extreme, and as self-preservation is the first law of nature, I am for protecting ourselves by forcing them at short notice to take up arms in defence of this country, or to seek homes some where else. These people eat out our substance, depreciate our currency, destroy our credit, and betray us to our enemies. I insist there is no rite of hospitality that requires us longer to submit to such outrageous wrongs. There is not a crowned head in all Europe that would tolerate the presence of our men in their midst in time of war, if their whole business was to consume without producing, to depreciate the currency, destroy the public credit, and hold constant unlawful intercourse with their enemies. I will not insult the intelligence of the Senate by undertaking to prove that I charge these gentry correctly. As well might I undertake to prove that the sun shines at noonday. One has only to take an hour's ramble through the shops of this city to have ocular demonstration that I am right. I am told that the course I propose will give offence to foreign powers. I hope not. There is no reason why foreign powers should expect us to submit

quietly to imposture. I should regret exceedingly to offend any one. But if I had a haughty neighbor who refused to recognize me as his equal, but insisted that it was my duty to entertain his servants, I would so far vindicate my own self-respect as to kick his servants out of doors.

It can hardly be necessary for me to say that I make no allusion in these remarks to any one of foreign birth, who has done, is doing, or intends to do his duty to this Confederacy. But I do mean to include all that vast multitude of foreigners who are simply treating our country as a goose, to be plucked for the purpose of feathering their own nests. I say to all such, if you love this country, fight for it; if you do not, leave it.

I come, sir, to consider my concluding proposition for strengthening the army:

Fourth. "To make provision for feeding and clothing the destitute families of soldiers in the field."

This is a work, which, I admit, may be better done by States, counties, corporations, and private individuals, than by the Confederate Government. But we know that in many cases it is not done; and it is a burning shame that it is not. Talk not to me of a want of power to do this thing. We had the power to take the husband and father from his home and force him into the army; and where you found the power to do that, right there I find the power to feed and clothe his dependent wife and children. It is not in human nature, Mr President, for any soldier's heart to glow and swell with the fires of genuine patriotism, if he knows that his wife is shivering in the cold and his children are crying for bread. An inflexible will may keep him at his post, but he must be more or less than a man, if in his secret heart, he does not reproach the country that tore him from his home, and then left the sacred pledges of his affections to languish and die.

We have heard a great deal from men, who, in this war, were going to shed their last drop of blood, and have not yet shed the first drop; who were going to spend their last dollar, and have not yet spent the first one. It is time these patriots had a chance. They have had their exemption on the plea that they would stay at home and serve the country better by making food and clothing for the army and the people. The army has stood between them and danger. As wave after wave of Yankee power has rolled up and trembling above their heads has threatened to engulf them in the mighty vortex that has swallowed up so many of our countrymen, the army has stood firm—the waves have been rolled back and these patriotic exempts have been left to pursue, undismayed and undisturbed, their peaceful, private occupations. Now, what do we find? Do these men press forward eager to redeem their promises to their country and discharge a debt of gratitude to their defenders? No, Mr. President, no. We find them everywhere engaged in the ~~the~~ scramble for money. Forgetful of all decency and oblivious to shame, they wallow in luxury and extort fabulous prices from soldiers' families for the necessities of life. Eleven dollars for a bushel of corn—think of that. One of

these exempts luxuriating at home—knowing nothing of war, except from hearsay, protected by our soldiers in his home, that he may make bread for the army and the country, coolly demanding, extorting, from a soldier's wife, a whole month's wages of her husband, for a bushel of corn meal. What ought to be done with such a fellow? He ought to be rammed head foremost into one of our biggest guns and shot across the Yankee lines.

Is there no remedy for conduct like this? There is. Put upon the men, who are thus heartlessly amassing fortunes out of their country's miseries, the strong arm of the law, and thunder in their ears, disgorge. Extortion is a great crime, and they who practice it, deserve and will assuredly receive the execration of mankind. But what will be said of us, if, in the midst of a teeming abundance, we allow the wives and children of our brave defenders to starve. There is plenty of provisions in the country to supply all our wants. It is our business to see that it comes forth on demand.

It is said if we force the sale of provisions at less than extortionate prices, no surplus will be produced the next year. I will consider that along with my proposition.

Fifth. "To detail from those in the military service such only as are absolutely needed in civil pursuits, having reference in making such details to competency alone."

I never supposed it possible, Mr. President, for the entire male population of a country to go into the army at once. But I have thought, and still think, the wisest, safest, and most equitable way of raising an army such as we need and must have, is to declare all who are capable of bearing arms to be in the service, and then detail from time to time such only as are absolutely required in other pursuits. I object to exempting whole classes of people, such as doctors, preachers, schoolmasters, and so on, first, because it is wrong in principle, and secondly, because it works bad in practice. No man can give a good reason why doctors, preachers, and teachers should be exempt that will not apply with equal or greater force to lawyers, mechanics, and farmers. In practice, we all know that the purpose of making exemptions has not been carried out. The exempts have not in good faith followed their occupations and been content with the reasonable profits authorized by law. Many have taken to other pursuits, and all, or nearly all, have become heartless and unblushing extortioners. Such would have been the result of granting exemptions at all; but the evil has been greatly exaggerated by exempting whole classes of people. I propose to correct our error, and instead of exempting men altogether and then leaving them to do as they please, I propose to declare them all, without reference to age or occupation, calling or profession, to be in the military service, and enrol them, if they be capable of bearing arms. I know that corn must be raised and clothing made, munitions of war must be supplied and the mechanic arts kept alive. But while I know all this, I also know that, under pretence of doing these things, very many and very great abuses are practiced. I would abandon exemptions altogether, and adopt a well digested plan of details. Details will, if wisely made, and with an

eye single to the public good, insure fidelity and responsibility, and crush down the spirit of extortion by keeping constantly before the man's mind that he is liable, at any moment, on a well grounded complaint, to be ordered back to the army. The man who is exempt under an act of Congress feels secure, and does as he pleases. If he is detailed for a special duty and is made to know that his security depends on his fidelity and competency, he will generally discharge his duty to the best of his ability.

It is said, I know, that such a law as I propose is liable to great abuse; that those who are charged with its execution will detail their friends and favorites. I grant that such may, to some extent, be the case. But it is no sufficient reason for not passing laws, wise in themselves, and which are called for by the exigencies of the country, to say they will be abused in their execution. All that we can do is to pass such laws as in our wisdom are demanded by the best interests of the country and leave their execution to men equally interested with ourselves. If they fail in their duty, the consequences will be upon their own heads. When the day of trial comes, "the galled jade may wince, our withers will be unwrung."

I am asked, Mr. President, if I mean to declare all men of all ages, occupations and professions in the military service? I do, sir. That is just what I do mean. I would exempt only such as, from physical disability, are incapable of bearing arms. No man should be out of the service unless he could show disability, and those liable to duty should remain in the army unless they were specially detailed to discharge some duty for which they were proven to be competent. In this sweeping conscription, I mean to include Senators and Representatives, the Governors of States, and all other Confederate and State officers, of every grade. I am told that in calling State officers into the field, I should violate a fundamental principle of State rights. This is a war for the maintainance of State sovereignty. The vandal foe is upon the soil. Towns, villages and cities are in flames; Legislatures fly at their approach; Judges are imprisoned, and every right of the citizen, moral, social, religious and political, is rudely trampled under foot, and yet I am told that I must not seize this weapon or that, that I must not use all the means which God and men have put within my reach, lest I violate the rights of the States. As well might you tell me if my neighbor's house was on fire that I dare not attempt to extinguish the flames, lest I soil his carpets.

My calculation, Mr. President, is, that those who will be found incompetent to discharge service as soldiers, will go very far towards supplying what I admit to be a desideratum in the corn fields, the work shops, and other places to which the army and the country must look for support. The deficiency, the absolute need beyond this, I propose to supply by details from the army having reference, in making such details, to competency alone.

The times in which we live call for the exercise of all our faculties, and the unreserved use of all our resources. We must liberalize our views—act upon more enlarged principles, and cultivate a more comprehensive patriotism. It is quite the fashion for those who are doing

least to talk the most, and it is of every day occurrence to hear men who have "never set a squadron in the field, nor do the divisions of a battle know, more than spinsters," talk learnedly of war, criticise the conduct of Generals, and tell what valorous deeds and wonderous strategy they would have displayed, if the President had not been so dull as to have overlooked their great military skill. There must be an end of all this. It is a weak device to conceal delinquency to the cause. The man who is really in earnest will serve in any capacity, be it ever so humble, and trust to his acts for a higher place. The faithful will do their duty without compulsion or persuasion. The obligation is upon us to see that the laggards do theirs. It will be a sad commentary on our wisdom to have it written in history that the country fell while we were discussing the difference "between twedle dum and twedle dee."

I think, in all sincerity, that the plan I have proposed for strengthening the army is the best; but I am not so wedded to it as to reject all others. I like it better than the scheme reported from the Military Committee; but if I can get nothing better I will take that scheme. My great desire is to see the army strengthened, and I will embrace any plan that will effect that object and do it speedily.

I come now, Mr. President, to consider the subject next in importance to the one I have been debating—the currency. How is it to be improved? With no claims to skill in matters of finance, I have yet some common sensed views on the subject of Confederate currency, which, with the indulgence of the Senate, I will express. One of these is, that the best way to restore confidence in the currency, and thus improve its value, is to diminish the quantity of notes in circulation by calling them in and destroying them. I do not believe that Mr. Memminger's plan of converting non-interest paying notes into interest-bearing bonds will answer. The scheme is too transparent. There is not a financial quack in all the country who will not understand that the indebtedness of the country has not been diminished by converting treasury notes into treasury bonds. While common sensed people will be very apt to think that the sixty millions of dollars, which is to be paid annually to keep down the interest alone will diminish the ability of the country to pay anything else. It seems to my untutored mind that if a man's credit is suffering because he has too many notes in circulation, the best way to restore his credit is to pay the notes, and especially is this so, if he has the money. That is exactly our condition. The debt which the country owes is the people's debt. It was all contracted on their account. The notes are their notes; they have depreciated because the people do not pay. The way to increase their value is to commence redeeming them, and there never will be a better time to begin than right now. I have, so thinking, proposed—

Sixth. "To levy a direct tax of ——— per cent. on every kind of property, according to its value in Confederate notes, including the notes themselves."

The plan has the merit of being plain and easily comprehended. There is no *hocus pocus* about it. It simply proposes that as it is the

people's debt the people shall commence paying it, not by exchanging a promisory note for a bond under seal; not by taking up a note that bears no interest, and giving in its place a bond that does bear interest; but by an honest extinguishment of the debt. When we commence work in that way our credit will instantly revive, for it will give assurance that we mean to be honest, keep ourselves out of the hands of bankers and brokers, and pay our debts by fair, legitimate taxation.

If the notes in circulation were distributed among the people according to each one's liability, or what I think is the same thing, according to each one's taxable property, then each one could surrender his part and the debt would be paid. But as that is not the case, and is not likely to be, the only thing to be done is to require each one, according to his liability as a tax-payer, to obtain his part of the notes and pay them in. This can be more easily done now than at any other time, for there never was a period when property of all kinds sold for such enormous prices. It is no extravagance to say that it is easier to pay ten dollars now than it would have been to pay one at the beginning of the war. True, many who have been driven from their homes have unproductive property. That is exactly my condition. The tax may bear heavily on us; but that is our misfortune. I do not, and I hope others will not, ask that the wheels of Government be reversed, averted or stopped to suit our condition. The salvation of the country is at stake, and I implore Congress to do its duty.

It will be seen that I propose to tax the notes themselves. No good reason occurs to my mind why this should not be done. They are property, and constitute the measure of value as to other property. If it be agreed that they ought to be taxed, the way of doing it seems to me to be simple enough. I would require the present tax-gatherers, and such others as may be hereafter appointed, to notify all persons holding Confederate treasury notes to present them between certain days stated. When so presented, I would require the tax-gatherer to deduct the amount of taxes, and stamp the residue of the notes. After the time had expired, I would declare, by law, all notes not thus stamped to be no longer receivable for public dues. They would then, of course, cease to circulate as currency. This would insure their presentation to the tax-gatherer. What amount of taxes should be levied on the notes I do not now undertake to say. My mind has rested on twenty-five per cent. If this sum be agreed on, a given case would stand thus: A has four thousand dollars of these notes, he takes them forward, the tax-gatherer deducts one thousands dollars, and stamps the other three thousand; these will continue to circulate as money. B has four thousand dollars, and to avoid the tax he refuses to produce them; these will be out-lawed.

I do not say, Mr. President, that I am altogether and entirely opposed to funding, but I am opposed to it on the great scale suggested by the Secretary of the Treasury. I see in that nothing but perpetual bankruptcy to the people, and the most princely fortunes ever made to the bankers, brokers and other money dealers, into whose hands the bonds would certainly fall. I prefer as a first, best, and greatest means of

improving the currency a direct tax. As far as it goes, it will extinguish the debt, and not like funding, leave it a perpetual burthen on posterity. If the debt is ever to be paid—and to doubt it is treason—the time to begin is now.

My next proposition is—

Seventh. “To make Confederate notes a legal tender in payment of debts.”

Shall I be met again by constitutional objections. Again, I say, if this thing be necessary to sustain the currency, and thereby make the war a success, it is constitutional. The Government has already made these notes a legal tender in all its transactions. It pays its employees in treasury notes, and discharges all its obligations in the same currency. If the soldiers who fight our battles, and the farmers who supply them with bread, are paid in these notes; if all who serve the Government, or furnish it supplies of every kind; if the Government can say, as it does say, to all contractors, you must take these notes or take nothing, there can be no reason why individuals should not be compelled to do the same thing. If the Government has the power to force a citizen to fight, and to give up his horses, cattle, provisions, and other property, and take his pay in Confederate notes, it certainly has the power to force other citizens to receive the same notes in payment of their debts. The Constitution nowhere says that the Confederate Government shall not make paper money a legal tender. It nowhere says that it shall make nothing else than gold and silver a legal tender. The prohibition is against the States. “No States,” says the Constitution, “shall make anything but gold and silver coin a tender in payment of debts.” Art. I, Sec. X. The prohibition is direct and pointed as regards the States; but as to the Confederate Government it is only inferential. I admit that it is a doubtful power, and I would not consent to its exercise in times of peace. Yet it may have been a wise forecast in the framers of the Constitution, speaking as they did in the name of the States, to impose the prohibition on the States individually, and not impose it on the Confederate States. It is important at all times, but most so in times of war, to have a uniform currency. And it may have been the wise purpose of those who ushered this Government into being to leave it untrammelled as to its currency. It is empowered “to coin money and regulate the value thereof.” And that is the mode of creating a currency which I prefer to all others. But when that is impracticable, something else must be done. We have chosen to issue treasury notes, or I might better say we have been compelled to issue them; and now if it be necessary to sustain the credit of these notes by compelling people to take them in discharge of debts due, not only from the Government, but from one another, it is our right and our duty to do so. That is my opinion.

The Government says to its own debtors, take this paper, it is my promise to pay in coin. When I have the coin, come, and I will pay you. It can only make this a fair and just transaction by going still further, and saying to its debtor, offer this paper in payment of your debts, and I will see that your creditor takes it; and to the creditor, I

(your Government) have now become your debtor, I promise to pay you in coin. When the coin can be had, call, and I will pay you. It will never do to have a currency that is good for the Government and not good for the people. Whatever is a sound currency between the Government and its citizens, must be good as between the citizens themselves. Otherwise you separate the citizens from the Government in their most essential relations; and in that case the Government must fall.

Apart from the constitutional question, there is another which addresses itself to our consideration. It is the question of expediency. Is it expedient to make treasury notes a tender in payment of all debts? In other words, will it increase their value. I think it will. The cry we hear on all sides is, "We do not want these notes, because with them we cannot pay our debts." Make them a legal tender, and the cry will cease. The debtor part of the community will seek them at once, because with them they can discharge their indebtedness. The creditor part of the community will have no reason to complain, since they will be called only to look to the Government for payment, instead of looking to individuals.

I need hardly make an argument to show that a note that is good in the discharge of indebtedness of all kinds, is better than a note which can only be used in the discharge of a particular class of debts. The measure, in both its aspects, as constitutional and expedient, commends itself to my own judgment, and I therefore present it to the Senate. I must move on, as I promised to be brief. Proposition

Eighth. "To prohibit the buying and selling of gold and silver coin, or the notes of banks in the United States or United States treasury notes, during the war under heavy penalties, or in lieu thereof, to prohibit 'running the blockade' by individuals under pain or forfeiture of the goods brought in, and imprisonment during the war."

Shall I be at pains, Mr. President, to point out the evil consequences of trafficking in coin, or pause to establish the pernicious relation existing between this traffic and "blockade running." To this is owing the great depreciation of our paper. Gold and silver is not of right, and ought not in practice, to be the standard of value with us. We have no legitimate intercourse with the outside world. Nobody recognizes us. Our ports are closely blockaded. All of our transactions are among ourselves, or, at least, they ought to be. And as Confederate notes constitute our medium of exchange, and pass currently in all our domestic transactions, it would seem that we had little or no use for gold or silver. Yet, we see by the public newspapers that coin is being bought in our markets at ten, fifteen, and, I am told, as high as twenty dollars in Confederate notes for one dollar in gold or silver; and worse still, the notes of our enemies, which do not circulate as money among our people, are at a premium in Richmond of from seven hundred to a thousand per cent. over our own currency. The reason for this state of things is obvious. The "blockade runners" buy gold and silver and Yankee money, because with these, and these alone, they can traffic with the enemy. I am

for putting a stop to these transactions. To the uninitiated, it would appear strange that, with a vastly larger debt and with a much less ability to pay than we have, the notes of the Yankees should be at a large premium over our notes. But a peep into any shop in the Confederate States reveals the secret. The unblushing admission stares us in the face, that persons, claiming to be loyal, are in the habit, in direct violation of our laws, of trading with the enemy, and as the enemy has found the means of effectually preventing the circulation of our notes in their midst, it follows that Yankee notes or gold and silver constitute the medium through which this illicit trade is carried on. The result is the humiliating exhibition that our notes are at a discount, such as I have described, right here under the very shadow of the capitol. Is there no remedy for evils like this? The answer is plain. Let Congress do its duty. Take these men from their shops, and put them in the army. Make it a penal offence to buy or sell gold or silver coin. Open the doors of your prisons for those who trade in Yankee money, and close up the dens of thieves and traitors, so that honest men cannot be ensnared into them. Say to them one and all, as the Savior said to the money changers in the temple, "for this, my house was a house, of prayer, and ye have made it a den of thieves."

We must correct our errors. Bad men must be treated according to their crimes. There can be none more atrocious than the crime of depreciating currency at a time like this. It is treason in its most hideous form. Talk of Arnold's treachery, or the monstrous wickedness of Judas. These men were paragons of excellence compared with the villains of our day. Arnold retired from the sight of men, and was glad to die in obscurity. Judas betrayed the Savior; but Judas had the decency to hang himself. These men make a merit of their depravity, flaunt their ill-gotten gains in the face of honest patriots, and actually scoff at the country while it is undergoing financial crucifixion. Congress stands amazed, almost stupified, at the wonderful audacity of these wretches, and seems to think that the very sublimity of their crimes had secured them immunity against punishment. This will never do. The law is a terror to evil doers. Let the law perform its office. Where there is a will there is a way. The Yankees have found the way, and we shall find it if we diligently search for it. Let us resolve to punish roguery, and protect the rights of honest men, and the way will open to us. Honest men are never appalled by the severity of laws. Where there is no offence there will be no punishment. It is the wicked alone who flee from righteous judgments.

It is my deliberate judgment, Mr. President, that the measures I have suggested are necessary, one and all, to secure this country from ruin. They may look severe to those who have never felt the heavy tramp of the invader. Go with me to Mississippi and look at cities sacked, plantations desolated, homes laid waste, and thousands of women and children driven as wanderers to strange lands. See the haughty tyrant with his heel upon the neck of bleeding innocence, and then tell me if these measures are not mild as Christian mercies, compared with treatment like this. One year ago Mississippi was

as secure as you think yourselves to-day. If wise councils then had been followed by bold actions, she might have rolled back the tide that swept over her, and have continued to stand in all the plenitude of strength and beauty. Let us take council of our fears and fail to act because somebody may be offended; and you may read the doom of Georgia, Alabama and the Carolinas, in what has been the fate of Mississippi.

But I have another and last proposition. It may be more startling than the rest. I have heard it said that the courts will overthrow our legislation by decisions against these laws. This may be so, and I propose to guard against it by my

Ninth proposition: "To declare all these laws war measures, and make those who violate them amenable to the military courts alone."

We are in the midst of the most fearful conflict that the civilized world has ever witnessed. It is not alone an issue of life, liberty, and property. But it is a question as to whether our slaves shall become our masters. I refuse to contemplate the horrid picture which imagination paints in the future. Its outlines are distinctly drawn on the broad canvas which Yankee despotism has unfolded before our eyes. Why stand we idle? Why hesitate to perform our duty. Is applause so sweet or popularity a gem of such priceless value that we would obtain them at the sacrifice of all that is staked on this issue. Remember, Senators, that those who have been followed by the huzzas of a multitude one day, have been visited by its bitterest execrations the next. Are these laws that I have proposed necessary to insure success? Then adopt them. Can their force be impaired by the decisions of weak or disloyal judges? Then take the decisions out of the mouths of such judges. No man has more respect for individual rights than I have. No man clings with more tenacity than I do to that great safeguard of human liberty, the *habeas corpus*. But sacred as these things are, I am ready to lay them aside for the time being, if this be necessary to secure the liberty and independence of my country in the end. The duty of providing for the common defence is upon us. The obligation to repel invasion is devolved upon us by the Constitution, and we shall not have acquitted ourselves of this duty or this obligation until we have exhausted all the means within our reach. It will not do to say "the country has resources, but we cannot command them." So long as there is a pound of material left, it is our duty to seize it and hurl it at the enemy. Talk of individual rights and the safeguards to liberty, with a million of armed Yankees thundering at your doors. What has become of personal liberty, the *habeas corpus*, and the written Constitution in Tennessee, Kentucky, Missouri, Arkansas, Mississippi, and wherever else the foe has obtained a footing? Gone, sir; buried deep in the graves that contain the bodies of our slaughtered countrymen; and yet we have exhortations to save these sacred gifts at the peril of losing all that remains to us of our once happy and still beloved country. Sir, excuse me. If I cannot save everything, I will save that which is the most valuable. If we lose the country, personal liberty, the *habeas corpus*, and the Constitution must go with it. We can never wrett

these things from Yankee hands if once our country is conquered. We can, at our own will, take them from the hands of our own chosen rulers. If our jewels are threatened will we allow the enemy to seize them while we are debating whether it is safe to entrust them to the hands of our agents.

Mr. President, the blood of our brothers cries to us from the ground. Their disembodied spirits watch over us to-day. They seem to draw nearer and nearer, as we hesitate in the discharge of our duty. Anon they will gather like a cloud over and around this capital, and as the sun of liberty is setting, perchance for the last time, they will demand, in tones that shall awaken us all from lethargy: "Who is the author of all this mischief? Is it for this we shed our blood? Is it for this we left our homes, and through toil, and death, and carnage, drove back the foe? Degenerate men, why have you thus surrendered the cause for which we toiled, and bled, and died?" At that trying moment may my conscience be at ease, and may I be able to say without fear and without remorse, whatever may have been the faults of others, "Thou canst not say I did it."

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